

Board of Commissioners

September 20th, 2011 – 1:00 p.m.

Meeting called to order by President Gogel. Parties present are as follows: Gogel, Logsdon, Toler, Board Attorney Lindsey, Auditor Lynam, Hwy Superintendent Painter and Engineer Lloyd.

Minutes -- None

SRI

Zach and Jim Hughes with SRI came before the board to discuss the Homestead Verification Project. Zach stated SRI looks at all the homestead credits in a county and identifies the ones that are invalid then charges the homeowner the property taxes they should have paid. By law the county can only go back 3 years for invalid property tax collection. SRI bills the homeowner the invalid property tax homestead credit plus 10% civil penalties from the DLGF (Department of Local Government Finance). SRI obtains prior property tax data from the DLGF and runs this data through a system test. This test flags out of state addresses and anything that would disqualify the homestead deduction. (There are 14 different codes that the system flags). Normally, they will find in a county 5-6% of flagged properties and out of this total, 50% normally are invalid homestead credits. The next step is soft notice generated by SRI and mailed out. The soft notice states your homestead credit has been flagged as a possible invalid credit. Please call or come in to the Auditor's office to provide proper verification for this credit. The 10% penalty is applied at this time. If there is no response by the homeowner then a second notice is sent. The DLGF requires per their statute that the homeowner must pay a penalty if credit is found invalid. SRI charge for this service is 30% of the back taxes and penalties that are actually collected. 1% of the civil penalty is paid to the State of Indiana. Auditor collects the funds and gives to the treasurer. Logsdon asked Auditor Lynam and Treasurer Anita Frakes if it was their recommendation to hire SRI for this service. They both agreed. Logsdon made a motion to approve recommendation and SRI contractual services to assist in the verification of Homestead Credits for Spencer County. Toler seconded. All were in favor. Two original SRI Consulting Services Agreements were executed by all commissioners. Logsdon made a motion to execute "Commissioners Live Certificate Sale Services Addendum". (Previously, it was stated that the records in the Auditor's office did not have a copy of file for "Commissioners Live certificate sales". However, Auditor's office does have the "Commissioners online Certificate Sale Services Addendum" on file.) Toler seconded. All were in favor.

RESOLUTION 2011-10

Resolution 2011-10 is a resolution establishing the intent to conduct a commissioners' sale to sell tax sale certificates for properties that are severely delinquent in payment of property taxes. There are several properties in Spencer County that are severely delinquent in the payment of property taxes, having been offered for tax sales and which received no bids equal to or in excess of minimum sale price. The parcel numbers of those properties being attached to resolution 2011-10 is noted as Exhibit A and there is an assessed value associated with these properties for taxation purposes, but no taxes are being collected, therefore causing a lower than expected tax distribution to those taxing units and taxing districts within which the properties are located and the commissioners desire to have these properties back on the tax rolls with taxes being collected and IC 6-1.1-24-6, et seq. allows for the County Commissioners to acquire a lien on those delinquent properties and receive issuance of the tax sale certificates for those properties, without taking title to the properties, therefore limiting the liability and cost normally associated with taking title. The Commissioners' resolve that the county executive shall acquire liens and receive tax sale certificates of the properties listed on Exhibit A that are severely delinquent and sell said certificates at a properly advertised Commissioner Tax Certificate sale. Process of a Commissioners' Certificate Sale is as follows: The county has a tax sale. Unsold parcels do not attract their minimum bids at the county tax sale; next day certificates are issued to commissioners. Commissioners adopt resolution to hold certificate sale and establish prices less than the original minimum bid for parcels at county tax sale. No Later Than 30 days before sale the county must run 3 successive weekly advertisements in the county newspapers. Certificate Sale is then held. (Max. 90 days "4.5" period). Buyer gives notice of certificate sale purchase to interest holders ("4.5" notice). After 120 days (Redemption period) the buyer files petition to court for tax deed and gives notice of petition ("4.6 Notice") Max. 6 month "4.6" period after redemption expires. There is a maximum of 61 days after petition filed. Final step: Court orders Auditor to issue tax deed. Commissioners have the right to not sell at a commissioners sale if they so desire to keep the property and lease or re-sell it themselves. Logsdon stated there are 3 parcels that he did not want to be offered at the commissioners' sale. For a certificate sale no appraisal is needed. However, if the commissioners' decide to re-sell a property it must be appraised. SRI attorney will contact Attorney Lindsey to further discuss the details of the Commissioners' tax sale. The Commissioners' will set the parcel offered sale price at a public meeting and it will be done by a Resolution as is required by statute Attorney Lindsey will report back at the next commissioners meeting on the guidelines of proper timeline to notify interested parties of potential sale of properties at a Commissioners' Tax sale.

Highway Report

INDOT Release

Superintendent Painter stated he had a couple release forms that he needed the commissioners to review and approve releasing INDOT of liabilities on Old SR 245 when highway 66 was shut down for road work and on CR 600E to CR 1000N then 1000N back to Old SR 245 when Hwy 70 was closed due to road work. There was no damage to culverts. There was discussion. Logsdon made a motion to approve and to execute the release forms for INDOT. Toler seconded. All were in favor. Lloyd will email a copy of these executed documents.

Chrisney Lake Project

Painter stated that INDOT started on the Chrisney Lake Project last week. INDOT plans to be completed by the end of September 2011. If this work is completed by end of September Painter plans to have 1000N paved by the first part of October, 2011.

Union Meeting

Union Meeting with Spencer County is scheduled for October 20, 2011 at the Spencer County Court House, Commissioners Room at 11 a.m. CST.

Lincoln Boyhood Memorial

Kendall Thompson and other Federal park authorities met with Painter and others. Basically, Lincoln Boyhood Memorial made a proposal to Spencer County. Lincoln Boyhood Memorial would take over road CR 300E, from Hwy 162 to 1625N by the railroad tracks, providing Spencer County would mill the pavement up on one lane of the proposed 700' strip that is currently closed. There is no deadline on this proposal at this time. Spencer County could wait to mill up this pavement in 2012. There was discussion. One benefit per Attorney Lindsey was that the county

would not have to pave that much of roadway in the future. There must be a public hearing on the counties determination if the county decided to accept their proposal. Depth of the paving was to be considered.

Rock

Painter stated that the cost to rock one mile of road 18' wide 2" thick would take 1162 tons of rock at a current cost of \$13,189. The Highway budget 2011 for rock is \$135,000 and the LRS budget 2011 is \$100,000. Basically, \$600/mile is the cost for rock. Remember, there is fuel and labor costs that are not included in these numbers.

Chip and Seal

Presently, Painter stated to double chip and seal one mile of road the cost is \$30,316. In 2007 the cost was \$22,440 and in 2008 the cost was \$25,316. Painter went on to say our income is same as 1999. Costs are raising but the revenues are not to cover the increases. There was discussion on the preservation of our county roads through proper maintenance of them. Life of a road is approximately 4 to 5 years.

Highway Garage - Electric

Painter stated he has one estimate for the electrical work for the new highway garage building. There are cum bridge funds available. Painter was advised to report back in two weeks to the commissioners with more bid quotes for commissioner review and consideration.

Engineer Report

Engineer Lloyd spoke to Jeff Young, with Patriot Engineers from Evansville, Indiana concerning the cost of core drilling and testing of previously paved roads. Lloyd stated that to core drill 5 spots of pavement, lab work on each sample it would cost the county approximately \$1,500 dollars more or less. This would take approximately one day to complete the core drilling. Young told Lloyd that Patriot Engineers would put together a report to show what the county specs were and what they received. Road in question was CR 200S a CEDIT road. Toler made a motion to approve Patriot Engineers of Evansville Indiana to perform the above stated service. Logsdon seconded. All were in favor.

Huffman Mill Covered Bridge

Lloyd requested the review and execution of a letter she prepared for the release of grant funds on the previously proposed Huffman Mill Covered Bridge project. There was discussion. Lloyd stated she also prepared a letter to release grant funds on Base road project. Logsdon made a motion to return funds to INDOT on the Huffman Mill Covered Bridge and the Base road project. Toler seconded. All were in favor. Logsdon requested for Lloyd to accelerate efforts to bid the Huffman Mill Covered Bridge project at the November 2nd commissioners meeting and to award bid at the first December meeting.

Community Wide Grant

Attorney Lindsey opened two bids for the re-bidding of the public safety tower replacement. (Engineer bidding price not required) First bid opened was Preferred Tank & Tower, Inc., 5444 E. Indiana St. PMB 374, Evansville, IN 47715 (270-876-7950). There were two options to this bid. First Option total both towers \$171,800 and Second Option taking down Chrisney tower only \$106,800. Second bid opened by Attorney Lindsey was from ERI (Electronics Research, Inc.) First Option: \$152,455 and Second Option: \$133,390 with an additional cost of \$2,000 if county chooses to upgrade the towers. Gogel asked for public comment. There was none. There was discussion. Award will be contingent to receiving appropriation from County Council. Scott Meadors left meeting room to double check the bid documents and numbers. Toler made a motion to take under advisement. Logsdon seconded. All were in favor. Meadors returned. There was discussion on the two bids opened. Meadors recommendations: Cost too high to take down tower. Leaving tower up at Chrisney would save \$10,000 and take out the transmission line bridge which would save another \$5,400. Add critical Class 3 upgrade \$7,500. There was a recess and after other county business was discussed Meadors came back before the board. Meadors had contacted Preferred Tank & Tower, Inc. during the recess and matters of concern were resolved which lowered bid to \$98,900. Meadors and commissioners were satisfied with this bid. Toler made a motion to accept Option two with deletion of Transmission Line Bridge (\$5,400) and De-stack of 180' tower (\$10,000) plus add upgrade to class 3 structures (\$7,500) for a total of \$98,800 to the lowest bidder Preferred Tank & Tower, Inc. Logsdon seconded. All were in favor.

Recess: 3:08 p.m.

Returned to meeting at 3:13 p.m.

Legal Report

Attorney Lindsey supplied to the commissioners a drug testing policy draft for review that he and Cindy Painter, County Garage Manager had worked on to revise. It was suggested that the ability for the county to perform a hair specimen would be needful. Drug Testing Policy revision will be finalized next meeting.

AK Steel Trial

The week of October 17, 2011 Attorney Jeff Lindsey will be out of the office and attending this week long trial in Evansville, IN.

EMA -- Flood Damage

Toler received only one proposal on floor work needed in the EMA office in the basement of the court house. Steve Custom Floor out of Boonville, Indiana presented a bid for \$3,071.50 to repair the basement damage. There was discussion. Toler made a motion to accept the only bid the commissioners received to make the necessary repairs to the EMA floor in the basement of the court house. Logsdon seconded. All were in favor.

Indiana 15 Regional Planning Commission

United Energy Brownfield

Concerning the recently awarded Clean-up Grant for the approximately 3 acre Parcel A of the entire 10 acre property, Spencer County should receive a Cooperative Agreement from EPA in October 2011 at which time work can begin to solicit an environmental consultant through a qualifications based selection process.

Elliot Englert asked the commissioners about moving forward by applying for another EPA Brownfield Clean-up Grant for parcel C for 2012. The grant terms are \$200,000 from EPA and 20% (\$40,000) match from Spencer County over 3 years. The counties match can be in the form of cash payments or in-kind services. In-kind services can include usage of county's equipment, all personnel time, backfill material, recovery of steel from tanks, and general upkeep of property during the 3 year period after the Cooperative Agreement is signed.

Spencer County Commissioner, President Gogel executed a letter to Don West Environmental Management Support, Inc. for the support of Indiana 15 in seeking a U.S. Environment Protection Agency Community Wide Assessment Grant.

Indiana 15 Regional Planning Commission

St. Meinrad Utilities (Water tower) Resolution- 2011-11

St. Meinrad Utilities held a public hearing on September 15, 2011. There were approximately 60 people present including President Commissioner David Gogel. Michael Cummings, Project Administrator of Indiana 15 came before the commissioners to discuss Resolution 2011-11. Cummings stated this resolution does two things: It authorizes the submittal of the grant application on behalf of St. Meinrad Utilities and commits the local match to the project. Spencer County commissioners have committed \$101,000 from the counties COIT funds, Spencer County Community Foundation has committed \$42,785, and contributions from St. Meinrad Utilities, Inc., of \$60,000 of cash reserves and a \$206,215 loan upon grant award, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs. Total commitments: \$410,000. Logsdon made a motion to approve Resolution 2011-11. Toler seconded. All were in favor. Auditor Lynam confirmed and executed letter to Ms. Kathleen Weissenberger, Indiana Office of Community and Rural Affairs, concerning "Matching Funds for Spencer County/St. Meinrad Utilities, Inc., CFF Water Project" of \$410,000. Auditor Lynam is to provide to Cummings a letter of indebtedness of Spencer County. (Emailed 9/22/11) Cummings stated December 9th, 2011 the decision on grant for water tower should be released.

Ordinance #2011-09

Attorney Lindsey did not advise the commissioners on this matter. Attorney, Rick Wetherill was present with Kim Stallings, from the health department to discuss ordinance 2011-09. There was discussion. Gogel asked for public comment. A public taxpayer Larry Blair asked the commissioners what the purpose was for this ordinance. Gogel stated we are revising and updating a state ordinance. Blair asked if county always follows this procedure. Gogel stated we try to. There was further comments. Wetherill stated you work on matters on a case by case basis as it comes to your knowledge. Blair asked who the deciding authority is. Stallings stated the certified installer and sanitarian. Gogel asked for further public comment. There was none. Toler made a motion to approve Ordinance 2011-09. Logsdon seconded. All were in favor.

Mutual Aid Storage Agreement

An agreement between Spencer County Commissioners and Town of Dale all being of Spencer County was executed by all commissioners. This agreement allows the 24' enclosed Mass Casualty Response Trailer to be stored at the Town of Dale indoor storage facility at no cost to the county. MCRT is currently housed at Santa Claus. Logsdon made a motion to approve and to execute agreement. Toler seconded. All were in favor.

Coroner

Coroner Robert Fuller came before the commissioners to request a coroner vehicle. Logsdon asked Fuller to look at the county highway parts vehicle to see if it would work. Coroner requested four pagers and one additional radio costing approximately \$1,800 and a camper top cost approximately \$1,800. Coroner stated that two pagers are currently not working.

Adjourned

Toler made a motion to adjourn, Logsdon seconded. All were in favor.

Board of Commissioners meeting adjourned at 4:06 p.m.

President
Attest:

Donna J. Lynam, Auditor